

**TITLE:** Final Environmental Assessment for Issuance of an Endangered Species Act Section 10(a)(1)(B) Incidental Take Permit for the Lake Erie Water Snake (*Nerodia sipedon insularum*) to the Long Point Homeowner's Association, LLC Proposing the Residential Development of 15-acres on Kelleys Island, Erie County, Ohio.

### **FINDING OF NO SIGNIFICANT IMPACT**

For the reasons briefly presented below and based on an evaluation of the information contained in the supporting references enumerated below, I have determined that

*Issuance of an Endangered Species Act Section 10(a)(1)(B) Incidental Take Permit for the Lake Erie Water Snake (Nerodia sipedon insularum) to the Long Point Homeowner's Association, LLC Proposing the Residential Development of 15-acres on Kelleys Island, Erie County, Ohio, as described under Alternative 3 in the Environmental Assessment (EA)*

is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. An Environmental Impact Statement will, accordingly, not be prepared.

#### **Reasons:**

1. The Biological Opinion prepared for this action concluded that the only federally-listed species likely to be adversely affected by the preferred alternative is the Lake Erie water snake (*Nerodia sipedon insularum*). The proposed HCP and its associated documents identify anticipated impacts to Lake Erie water snakes likely to result from the proposed taking and the measures that are necessary and appropriate to minimize those impacts. As analyzed in the Biological Opinion, conservation measures proposed in the HCP are expected to provide for the continued existence of the Lake Erie water snake in the action area in the short term, and to result in a long-term improvement in habitat conditions for the species. Therefore, on the basis of adverse effects to listed species, the preparation of an EIS is not warranted.
2. In considering cumulative effects, the conclusion in the EA was that the preferred alternative would provide the best chance that the Lake Erie water snake would be able to persist on the property in the presence of the development and increased usage of the land by people.
3. One historic site, a pre-1900 house foundation, is found on the project property. The preferred alternative provides for the preservation of this historic site through avoidance during construction. Therefore, the State Historic Preservation Officer has determined that no historic properties will be affected (Environmental Assessment, Appendix A).
4. No environmental justice issues exist for any of the alternatives considered in the EA (p. 32, sub-section 3.10).
5. A Federal Register notice announcing the availability of the draft EA/HCP and incidental take permit application for public comment for 60 days was announced on March 17, 2003. Nine comment letters were received and comments were addressed in the final EA/HCP (p. 57,

Chapter 7). Comments stated that the Service was being too restrictive, too liberal, and taking appropriate action.

Supporting References:

1. Environmental Assessment (EA)
2. The applicants' Habitat Conservation Plan (HCP)
3. Biological Opinion
4. Public comments (Chapter 7, EA)

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Date: 6/4/03

Distribution: